

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

NICOLE GARDNER, as Administratrix of the )  
Estate of Sharon Ann Gardner, deceased )  
as Assignee of Kevin Harper, )

Plaintiff, )

v. )

STATE FARM FIRE AND CASUALTY )  
COMPANY, )

Defendant. )

CASE NO. 05-CV-1055-GLL

The Honorable Gary L. Lancaster

**JURY TRIAL DEMANDED**

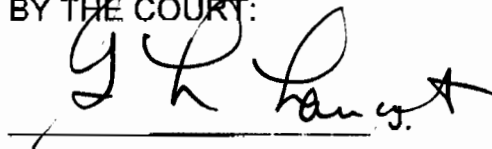
**PROPOSED DISCOVERY ORDER**

AND NOW, this 30<sup>th</sup> day of Aug, 2006, it is hereby Ordered that, to  
resolve all present discovery disputes in this matter, within twenty (20) days from this date,  
State Farm Fire and Casualty Company (hereinafter "State Farm") shall provide the  
following items, all of which will be produced subject to the Confidentiality Order already  
in place in this case:

- a) copies of all underwriting manuals used by State Farm relating to homeowners' policies issued to homeowners in Pennsylvania from March 1, 2003 up to and including the present;
- b) consistent with the prior agreement of counsel regarding the scope of discovery requests, copies of all complaints to the Pennsylvania Insurance Commissioner from 2003 to the present, if any exist, made by State Farm policyholders that allege racial or economic discrimination by a claim representative located in the State Farm Bridgeville/Southpointe claims office in relation to a denial of either: (i) insurance coverage for a third-party claim under a homeowners' policy; or (ii) a defense for a third-party claim under a homeowners' policy;

- c) consistent with the prior agreement of counsel regarding the scope of discovery requests, copies of all lawsuit complaints filed against State Farm between March 2003 and August 1, 2006, if any exist, that allege racial or economic discrimination arising out of claim handling by a State Farm representative located in the Bridgeville/Southpointe claims office in relation to a third-party claim against a homeowner;
- d) consistent with the prior agreement of counsel regarding the scope of discovery requests, copies of the properly discoverable portions of all internal or external studies and all internal or external audits of State Farm offices located in Pennsylvania from 2003 to the present, if any exist, that address either racial or economic discrimination towards: (i) prospective insureds in making underwriting decisions; or (ii) insureds during the claims handling process;
- e) consistent with the prior agreement of counsel regarding the scope of discovery requests, copies of the properly discoverable portions of all internal or external studies and all internal or external audits of State Farm offices located in Pennsylvania from 2003 to the present, if any exist, concerning whether "occasional basis" should be defined in the homeowners' policy FP-7955; and
- f) State Farm will identify the name and last known address of the typist who typed the April 4, 2003 denial letter to Kevin Harper dictated by Dominic Mangiamelle, as well as the date it was typed; will identify the person who, in April 2003, was responsible for placing mail into State Farm's Bridgeville/Southpointe mail center; and will further summarize the procedures which were not in writing that were in place in 2003 in the Bridgeville/Southpointe office for placing mail into the United States Postal Service system.

BY THE COURT:

A handwritten signature in black ink, appearing to read "G. R. Lang", is written over a horizontal line.

cc: C. Leon Sherman, Esquire  
Amy Kubisiak, Esquire